

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by inserting --mass-- before “ratio”, as inferentially supported by Claim 3. All other amendments therein are for clerical purposes only. Claim 2 has been amended by adding a period at the end thereof. Claim 3 has been amended by deleting the superfluous “the above”. Claim 4 has been canceled. All multiple dependencies in the claims have been deleted, and corresponding recitals, where applicable. New Claims 13-44 have been added.

The amendments to Claims 5-12, and the new claims, are supported by the original claims.

No new matter is believed to have been added by the above amendment. Claims 1-3 and 5-44 are now pending in the application.

REMARKS

Due to the length of the specification herein, Applicants will cite to the paragraph number of the published patent application (PG Pub) of the present application, i.e., US 2007/0026175, when discussing the application description, rather than to page and line of the specification as filed.

The rejection of Claims 1-4 under 35 U.S.C. § 103(a) as unpatentable over US 6,107,411 (Toya et al) and US 4,626,455 (Karabedian), is respectfully traversed.

As described in the specification at paragraph [0001], the present invention relates to a foamed film which presents a heat shrinkable film excellent in heat shrinkage, anti-natural shrinkage and heat insulating properties, a heat shrinkable foamed multilayer film, a label employing it and a container covered therewith.

As recited in above-amended Claim 1, an embodiment of the present invention is a foamed film comprising at least one foamed layer which comprises a resin composition comprising from 20 to 100 parts by mass of the following (a) and from 0 to 80 parts by mass of the following (b) and which has a thickness of from 30 to 200 μm and a specific gravity of from 0.3 to 0.9: (a) a block copolymer wherein the mass ratio of a vinyl aromatic hydrocarbon to a conjugated diene is from 50/50 to 90/10, (b) at least one vinyl aromatic hydrocarbon polymer selected from the following (i) to (v): (i) a block copolymer of a vinyl aromatic hydrocarbon with a conjugated diene, (ii) a vinyl aromatic hydrocarbon polymer, (iii) a copolymer of a vinyl aromatic hydrocarbon with (meth)acrylic acid, (iv) a copolymer of a vinyl aromatic hydrocarbon with a (meth)acrylate, and (v) a rubber-modified styrene polymer.

Another embodiment of the present invention, as recited in Claim 2, is the foamed film according to Claim 1, wherein the uniaxial elongation viscosity η at 120°C of the resin

composition satisfies the following condition: $2.5 > \eta_{1.5} / \eta_1 > 1.1$; η_1 : elongation viscosity at Hencky strain 1; $\eta_{1.5}$: elongation viscosity at Hencky strain 1.5.

Toya et al discloses a particular block copolymer and heat shrinkable films made thereof. Toya et al discloses that their heat shrinkable film obtained by orienting their block copolymer or a composition of the block copolymer, is excellent in transparency, stiffness, impact resistance and spontaneous shrinkage resistance and thus is suitable for covering an article which is likely to scatter upon breakage, such as a glass bottle, or as a heat shrinkable film for labels provided with various printings; and further, their block copolymer and block copolymer composition may be molded by injection molding or blow molding to obtain various molded products, or they may be formed into films or sheets by e.g. extrusion molding or inflation molding and may be used as they are, or may further be subjected to secondary processing such as vacuum forming for various applications (column 15, lines 39-52). Toya et al discloses and suggests nothing with regard to producing a foam from their block copolymer.

Acknowledging that Toya et al does not disclose or suggest foams, the Examiner relies on Karabedian. Karabedian discloses a coextruded multilayer sheet comprising a polystyrene foam layer for the inside of a sleeve next to a container and a solid skin layer, the foam and skin layers being coextruded wherein the skin layer is an extrudable blend of a polyolefin and polystyrene and a block copolymer of styrene and a block copolymer of styrene and butadiene that provides the skin and foam layers with the desired compatibility and adhesion at the interface of the foam and skin layers (column 1, lines 10-18). Thus, the block copolymer of butadiene and styrene acts as a compatibility agent, present in the skin layer, that provides the proper amount of adhesion between the skin and foam layers (column 7, lines 51-58).

The Examiner holds that it would have been obvious “to have tried using the composition [of Karabedian] for the film recited by [Toya et al] to provide a foamed film for use in label applications.”

In reply, although it is not clear what the Examiner means by “the composition,” the only foam disclosed by Karabedian is a polystyrene foam. There is neither disclosure nor suggestion of producing a foam from a vinyl aromatic hydrocarbon-conjugated diene block copolymer. It is only with the present disclosure as a guide that one of ordinary skill in the art would even attempt to produce foams from the block copolymers of Toya et al.

For all the above reasons, it is respectfully requested that the rejection be withdrawn.

The objection to Claims 5-12 as being improper multiple dependent claims, is respectfully traversed. Indeed, the objection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that this objection be withdrawn.

Applicants respectfully traverse the Examiner’s lining out of documents AO and AP on the Form PTO-1449 for the Information Disclosure Statement (IDS) filed January 4, 2008, and lining out the document AO on the Form PTO-1449 for the IDS filed April 7, 2006. With regard to documents AO and AP for the IDS filed January 4, 2008, these documents were cited in a Chinese Office Action, an English translation of which was filed with the IDS. As discussed in the Statement of Relevancy for the IDS filed April 7, 2006, document AO is discussed in the specification. According to M.P.E.P. § 609.04(a), both the English translation of the Chinese Office Action and the Statement of Relevancy qualify as proper submissions of foreign documents. Copies of the above-discussed Forms PTO 1449 are **submitted herewith**. The Examiner is respectfully requested to initial the Forms, and include copies thereof with the next Office communication.

Moreover, since the dates of the IDSs are before the date of the Office Action and thus technically were part of the Official file as of the Office Action date, Applicants

Application No. 10/564,527
Reply to Office Action of September 9, 2008

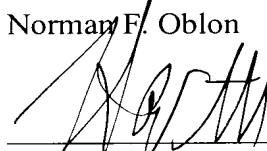
respectfully request that should the Examiner determine that a new ground of rejection needs to be made in the next Office Action relying in whole or in part on any of the references cited in the IDSs, then said next Office Action not be made Final, even if the new rejection was necessitated by the present amendment to the claims.

Applicants also respectfully call the Examiner's attention to the Information Disclosure Statement (IDS) filed October 27, 2008. The Examiner is respectfully requested to initial the Form PTO 1449 submitted therewith, and include a copy thereof with the next Office communication.

Applicants respectfully submit that all of the presently-pending claims in this application are now in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Harris A. Pitlick
Registration No. 38,779

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)